

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America, LLC,

Plaintiff,

v.

558778 BC, LTD., et al.,

Defendants.

NO: CV-11-364-RMP

Bankr. Case No. 09-06194-PCW11  
(Consolidated Case)

Adv. Proc. No. 11-80295-PCW11

DEFAULT JUDGMENT AGAINST  
DEFENDANTS DAVE WHALLEY  
AND JEN WHALLEY

JUDGMENT SUMMARY

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the  
Liquidating Trustee under the Confirmed Plan of  
the Debtor

Attorneys for  
Judgment Creditor: Witherspoon Kelley

Judgment Debtors: Dave Whalley and Jen Whalley

Principal Amount of  
Judgment: \$16,500.00 CAD  
\$ 250.00 US

Interest on Judgment: Weekly Average of One-Year Constant Maturity  
(nominal) treasury yield as published by the  
Federal Reserve System (28 U.S.C. § 1961)

This Court, having reviewed the Order of Default previously entered in  
Bankruptcy Court against Defendants Dave Whalley and Jen Whalley, Adv. Doc.  
No. 478, and having previously entered an Order Adopting the Bankruptcy  
Court's Report and Recommendation and Order of Default against Defendants  
Dave Whalley and Jen Whalley, ECF No. 140, and being fully apprised in the  
premises,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that  
Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11  
Trustee for LLS America, LLC, shall have a judgment against Defendants Dave  
Whalley and Jen Whalley, individually and jointly and severally, as follows:

1. Monetary Judgment in the amount of CAD \$16,500.00, pursuant to 11  
U.S.C. § 550 and RCW 19.40.071;

2. Transfers in the amount of CAD \$16,500.00 made to Defendants within  
four years prior to the Petition Filing Date are hereby avoided and Plaintiff may

1 take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550,  
2 551, and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3 3. All said transfers to Defendants Dave Whalley and Jen Whalley are  
4 hereby set aside and Plaintiff shall be entitled to recover the same, or the value  
5 thereof, from Defendants Dave Whalley and Jen Whalley for the benefit of the  
6 estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550, and 551;

7 4. A constructive trust is hereby established over the proceeds of all  
8 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

9 5. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00  
10 USD, for a total judgment of CAD \$16,500.00, plus \$250.00 USD, which shall  
11 bear interest equal to the weekly average of one-year constant maturity (nominal)  
12 treasury yield as published by the Federal Reserve System.

13 **IT IS SO ORDERED.**

14 The District Court Clerk is directed to enter this Judgment and provide  
15 copies to counsel, Defendants, and Judge Patricia C. Williams, and shall terminate  
16 Dave Whalley and Jen Whalley as defendants in this case.

17 **DATED** this 17th day of September 2013.

18  
19  
20 *s/ Rosanna Malouf Peterson*

ROSANNA MALOUF PETERSON  
Chief United States District Court Judge